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March 31, 2004

Via Facsimile:

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L. Pahl Zinn, Esq.

500 Woodward Ave., Ste. 4000

Detroit, MI 48226

**Re: NetJumper, L.L.C. v Google, Inc.
USDC Case No. 04-70366**

Dear Mr. Zinn:

We received your Answer to our Complaint and Counter-Claim. Had you or Google's California counsel inquired, you would have learned that NetJumper had discontinued the "goograb" demonstration on its website. You would also have learned that the demonstration was made in response to Google's own API invitation to developers to demonstrate Google technology to potential third-party customers and was made known to Google's Celeste Chung prior to being put up. Ms. Chung did not object to the demo, presumably because it conformed to Google's API license, and was a vehicle to demonstrate to Google first forward surfacing.

Further, as should be clear, the "goograb" demonstration that is the subject of your counter-claim was not a commercial product to generate income, as your counter-claim wrongly suggests. Had you inquired, you would have learned that the demo generated less than 500 views before being taken down, and resulted in no sales.

In short, putting aside issues of actual and/or implied license, no confusion, no dilution, and other defenses that could and will be asserted had "goograb" been anything but a *de minimis* demonstration, your counter-claim appears to be moot in light of NetJumper's own decision to delete it from its site. We accordingly ask that you voluntarily dismiss that portion of the counter-claim that deals with the "goograb" demonstration. If we are forced to respond to and litigate this part of the counter-claim in litigation, we will treat it as the frivolous pleading that it is and seek appropriate sanctions at the appropriate time. I trust that we need not come to this, however, and can litigate this case as the patent infringement dispute that this matter is actually about.

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Very truly yours,

SOMMERS, SCHWARTZ, SILVER & SCHWARTZ, P.C.



Andrew Kochanowski

AK:dlh